

01.06.2022

Counsel for the appellant present.

Learned counsel submits that she could not prepare this case and requested adjournment. To come up for preliminary hearing tomorrow i.e on 02.06.2022 before S.B.



(Kalim Arshad Khan)  
Chairman

2<sup>nd</sup> June, 2022

None for the appellant present.

Because of general strike of the bar, learned counsel for the appellant is not present. Let this appeal be heard on 25.07.2022 before S.B.



(Kalim Arshad Khan)  
Chairman

25.07.2022

Appellant present through counsel.

She made a request for adjournment due to busy schedule in the Hon'ble Peshawar High Court, Peshawar. Adjourned by way of last chance. To come up for preliminary hearing on 05.08.2022 before S.B.

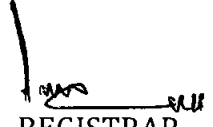

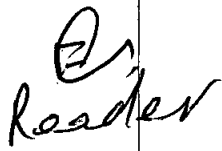


(Rozina Rehman)  
Member (J)

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 57/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2022	<p>The appeal of Mr. Jehangir presented today by Roeda Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	23-2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>02/03/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 1/2022</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 57 /2022

Jehangir Khan

VERSUS

Superintendent of Police City Peshawar & Other

**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-5
2.	Affidavit.		6
3.	Addresses of parties		7
4.	Application for Condonation of Delay		8-9
5.	Copy of dismissal order	"A"	
6.	Copy of departmental appeal	"B"	
7.	Wakalatnama		

APPELLANT

Through

Roeeda Khan  
&

Sheeba Khan

Advocates, High Court  
Peshawar.

Dated: 03/01/2022

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Jehangir Khan Ex-Constable No. 685 R/o Nodeh  
Payan Shaheed Abad Bara Road Peshawar.

**Appellant**

***VERSUS***

1. Superintendent of Police City Peshawar.
2. Capital City Police Officer Peshawar.
3. Provincial Police Officer KPK Peshawar.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 12-04-2010, WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE AND AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 02.07.2010 WITHIN ONE MONTH FROM THE COMMUNICATION OF THE IMPUGNED ORDER ON DATED 12.04.2010 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD.**

**PRAYER:-**

**ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS DATED 12.04.2010 MAY KINDLY BE SET ASIDE**

AND THE APPELLANT MAY KINDLY BE  
REINSTATED IN SERVICE ALONG WITH  
ALL BACK BENEFITS. ANY OTHER  
REMEDY WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT THAT MAY  
ALSO BE ONWARD /GRANTED IN  
FAVOUR OF APPELLANT.

Respectfully Sheweth.

1. That the Appellant was appointed as Constable since long time with respondent department.
2. That after appointment the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That the appellant belongs to District Khyber and in the year 2010 the situation of the said area was not suitable due to Taliban / Militant situation due to that reason the appellant has got series threats by unknown person and so to so the appellant has been kidnapped by that very person, for that reason the appellant was unable to perform his duty with respondent department.
4. That due to the reason mentioned in para 3, the appellant has been dismissed on dated 12.04.2010 by the respondent department. (Copy of dismissal order is attached as annexure "A").

5. That the appellant submitted a Departmental Appeal on 02.07.2010 within one month from the communication of the impugned order dated 12.04.2010 which has not been decided within the statutory period. (Copy of departmental appeal is attached as annexure "B").
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

### GRUNDS:-

- A. That the impugned order 12/04/2010 is void and ab-initio order because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.
- B. That no show cause notice has been issued or served to the appellant before imposing major penalty.
- C. That no charge sheet no statement of allegation has been served or communicated the appellant which is a clear cut violation of rule 6(a) (b) of police rules 1975.

D. That the impugned order is also void because no regular or departmental inquiry was conducted against the appellant which is mandatory before imposing the major penalty and no opportunity of personal hearing and defense has been provided to the appellant relied upon a judgment reported on 2003 PLC (CS) Page 365 on 2021 PLC (CS) page 235 as well as judgment of this Tribunal in service appeal No. 1181/2018 decided on 17.09.2021.

E. It is a well settled principle of law no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

F. That no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.

G. That the impugned dated 12.04.2010 order is also void because it has been passed from retrospective effect as well as passed by incompetent authority.

H. That the punishment has been awarded to the appellant comes under the definition of harsh one relied to upon a judgment reported on 2008 is SCMR page: 214 as well as judgment of this Hon'ble Tribunal in Service Appeal No. 627/2017 decided on 13.10.2020.

I. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders dated 12.04.2010 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits. any other remedy which this august tribunal deems fit that may also be onward /granted in favour of appellant.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

APPELLANT

Through

ROEED KHAN

&

Sheeba Khan

Advocates, High Court

Peshawar.

Dated: 03/01/2022

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

Advocate.



**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Jehangir Khan

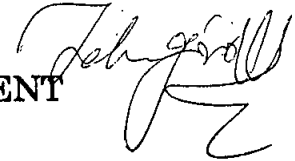
VERSUS

Superintendent of Police City Peshawar & Other

**AFFIDAVIT**

I, Jehangir Khan Ex-Constable No. <sup>2</sup>685 R/o Nodeh Payan  
Shaheed Abad Bara Road Peshawar, do hereby solemnly  
affirm and declare that all the contents of the instant appeal are  
true and correct to the best of my knowledge and belief and  
nothing has been concealed or withheld from this Hon'ble Court.

DEPONENT



***IDENTIFIED BY:***

**Roeeda Khan**  
Advocate High Court  
Peshawar.



**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Jehangir Khan

VERSUS

Superintendent of Police City Peshawar & Other

**ADDRESSES OF PARTIES**

***PETITIONER.***

Jehangir Khan Ex-Constable No. <sup>2</sup> 6685 R/o  
Nodeh Payan Shaheed Abad Bara Road  
Peshawar.

**ADDRESSES OF RESPONDENTS**

1. Superintendent of Police City Peshawar.
2. Capital City Police Officer Peshawar.
3. Provincial Police Officer KPK Peshawar.

APPELLANT

Through

**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 03/01/2022

 **BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2022

Jehangir Khan

VERSUS

Superintendent of Police City Peshawar & Other

**APPLICATION FOR CONDONATION OF DELAY (IF ANY)**

**Respectfully Sheweth,**

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the appellant belongs to District Khyber and in the year 2010 the situation of the said area was not suitable due to Taliban / Militant situation due to that reason the appellant has got series threats by unknown person and so to so the appellant has been kidnapped by that very person, for that reason the appellant was unable to perform his duty with respondent department.
3. That the appellant submitted a Departmental Appeal on 02.07.2010 within one month from the communication of the impugned order dated 12.04.2010 which has

کہ یوں میں مزید نوکری میں آجی اگر خدایا دراز آجی کی  
نوکری سے یا خود رو بیٹھو گئے۔

لہذا میں سائل کو بہت پورا کہ نوکری سے بیڑا نہ سمیٹا گیا ہے۔ سائل کی  
تعمیر جاری ہے آجی آمدہ نہیں تھی۔ بلکہ حالات ایسے آجیے کہ سائل  
نوکری سے جاری نہ رہ سکا۔

لہذا انہوں نے درخواست اسد عاہ فقیر سائل کو نوکری سے دو بارہ  
بحال کرنے سے مشورہ فرمایا۔ سائل زندگی بھر دعا گو رہے گا۔

عین نرازشی ہوگی۔

العارضی

مورخ  $2 \frac{7}{10}$

مجلس

آپ کا مجلس جمعاً تہم 2685 سال دسمبر ۱۹۸۵ء  
0303 8879963

50 روپے

109603



ایڈوکیٹ: \_\_\_\_\_

بار کونسل / ایسوسی ایشن نمبر: \_\_\_\_\_  
رابطہ نمبر: 03330265900

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: \_\_\_\_\_ حاجی صاحب سروس ٹرا منٹل پشاور

دعویٰ:	منجانب:
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام پشاور کیلئے ریسورسز فان اسٹیشن کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تارخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 14-1-2022

\_\_\_\_\_ بد \_\_\_\_\_ بد  
مقام پشاور کے لیے منظور ہے۔

Accepted by  
Roooda Khan R

sheeba Khan

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔